

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Hanson

SUBJECT: SECY-16-0115: Rulemaking Plan on Financial Assurance for Disposition of Category 1 and 2 Byproduct Material Radioactive Sealed Sources

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes

No

Signature

August 24, 2020

Date

Commissioner Hanson's Comments on "SECY-16-0115: Rulemaking Plan on Financial Assurance for Disposition of Category 1 and 2 Byproduct Material Radioactive Sources."

I approve the staff's recommendation to initiate rulemaking to expand financial assurance requirements in 10 CFR 30.35 to include all Category 1 and 2 byproduct material radioactive sealed sources tracked in the National Source Tracking System (NSTS).

Adequacy of financial planning for disposition of disused risk-significant sealed sources has been a subject of discussion for over a decade. The Energy Policy Act of 2005 directed the Radiation Source Protection and Security Task Force (Task Force) to evaluate the status of various factors affecting the security of Category 1 and 2 sealed sources. The Task Force is comprised of independent experts from 14 Federal agencies and the Organization of Agreement States, and is chaired by the NRC. From 2006 to 2018, the Task Force has issued four reports to the President and Congress, and all the reports raised the need for financial assurance or some other mechanism for timely disposition of Category 1 and Category 2 sealed sources. In 2016, NRC staff conducted a scoping study to determine whether additional financial planning requirements for end-of-life management for some categories of radioactive byproduct material, particularly sealed sources, were needed. Based on the results of the scoping study, the NRC staff recommended to the Commission that the financial assurance requirements in 10 CFR 30.35 be expanded to include all Category 1 and 2 byproduct material radioactive sealed sources tracked in the NSTS.

Since then, disposal options for many sealed sources became available, however there are still currently few incentives for licensees to dispose of their disused sealed sources in a timely fashion. Also, since 2003, NNSA has been implementing a program to remove excess sealed sources. However, NNSA indicated that increased government (taxpayer-funded) involvement in efforts to address sealed sources management and disposal is not sustainable. End-of-life costs for dispositioning of byproduct material sealed sources can be significant (e.g. interim storage, packaging and conditioning, transportation, final disposition). The proposed rulemaking would help to ensure licensees are financially prepared for dispositioning risk-significant sealed sources and reduce the government funding required for NNSA-sponsored sealed sources recovery and management program.

In SECY-16-0115, the staff noted that the proposed rulemaking would result in increased regulatory costs, and its implementation would require additional NRC and Agreement State resources. Also, increased regulatory costs could potentially affect beneficial uses of radioactive material. Therefore, the staff should carefully explore options to mitigate potential adverse impacts on existing and future licensees, particularly medical users, and those who benefit from the use of these radioactive materials.